

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Pharmacist License of

JULIE KANE
License No. 18876
Respondent

CASE NO. 2018-118

**COMBINED STATEMENT OF CHARGES,
SETTLEMENT AGREEMENT, AND FINAL
ORDER**

COME NOW the Iowa Board of Pharmacy ("Board") and Julie Kane ("Respondent"), 421 Grand Ave, West Des Moines IA 50265, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2018), and 657 IAC chapter 36.

A. STATEMENT OF CHARGES

COUNT I

DISPENSING ERRORS

1. Respondent is charged with dispensing, or contributing to the dispensing of, an incorrect prescription, and may be disciplined pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.6(42).

COUNT II

UNAUTHORIZED RETURN TO STOCK

2. Respondent is charged with taking possession of a previously dispensed controlled substance and returning it to stock in violation of 657 IAC 10.23, and may be disciplined pursuant to Iowa Code sections 147.55(9) and 155A.12(5), and 657 IAC 36.6(21).

COUNT III

FAILING TO COMPLETE CQI REPORT

3. Respondent is charged with failing to complete a continuous quality improvement (CQI) report for a reportable program event in violation of 657 IAC 8.26, and may be disciplined pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.6(21).

COUNT IV

FAILING TO KEEP ACCURATE PERPETUAL INVENTORY

4. Respondent is charged with failing to keep an accurate perpetual inventory record for Schedule II controlled substances as required by 657 IAC 10.18, and may be disciplined pursuant to Iowa Code sections 147.55(9), 155A.12(4), and 155A.12(5), and 657 IAC 36.6(21).

COUNT V

EXCEEDING PRESCRIBED QUANTITY ON SCHEDULE II CONTROLLED SUBSTANCE

5. Respondent is charged with dispensing a larger quantity of a Schedule II controlled substance than prescribed in violation of 657 IAC 10.30, and may be disciplined pursuant to Iowa Code sections 147.55(9) and 155A.12(5), and 657 IAC 36.6(21).

COUNT VI

UNLAWFUL PARTIAL FILLING OF SCHEDULE II CONTROLLED SUBSTANCE

6. Respondent is charged with partial filling a Schedule II controlled substances beyond the 72-hour period in violation of 657 IAC 10.27(1), and may be disciplined pursuant to Iowa Code sections 147.55(9) and 155A.12(5), and 657 IAC 36.6(21).

B. FACTUAL CIRCUMSTANCES

7. Respondent's pharmacist license number 18876 is currently active through June 30, 2019.

8. At all relevant times, Respondent was the pharmacist in charge at Ankeny Pharmacy in Ankeny, Iowa. At the time, Ankeny Pharmacy's license was on probation with the Board.

9. In April 2018, Respondent was responsible for dispensing a prescription for a Schedule II controlled substance with the wrong strength.

10. When Respondent attempted to correct the error, she dispensed the prescription with the wrong medication.

11. Respondent retrieved the incorrect medication from the patient and returned it to the dispensing stock.

12. Respondent did not complete a CQI report for the error involving the wrong strength.

13. As part of its probationary terms, Ankeny Pharmacy was required to perform audits of controlled substances.

14. A review of the pharmacy's perpetual inventory records for hydrocodone and oxycodone revealed several discrepancies, including changes without proper documentation.

15. The review revealed the pharmacy filled a prescription for a Schedule II controlled substance with a larger quantity than prescribed.

16. The review revealed the pharmacy partially filled a prescription for a Schedule II controlled substance and then filled the remaining portion more than seventy-two hours after the initial filling.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

17. The Board has jurisdiction over the parties and the subject matter of these proceedings.

18. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

19. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

20. Respondent acknowledges that she has the right to be represented by counsel on this matter.

21. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

22. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

23. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

24. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

25. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

26. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

27. Respondent shall complete the course titled "Patient Safety and Medication Error Prevention for Pharmacy" offered by Oregon State University and consisting of eighteen (18) hours of continuing education within sixty (60) days of the date of this Order. These hours cannot count towards the continuing education hours required for the 2019 renewal of Respondent's pharmacist license. Respondent shall submit a certificate of completion to the Board as proof of successful completion of this requirement within sixty (60) days of the date of this Order. Respondent is responsible for all costs associated with obtaining the required continuing education.

28. Respondent shall re-take and pass the MPJE exam within six (6) months of the date of this Order.

29. Respondent shall be **RESTRICTED** from serving as pharmacist in charge at any pharmacy licensed in Iowa for a minimum period of one (1) year. After one (1) year, Respondent may petition the Board to have the restriction lifted. To have the restriction lifted, Respondent shall appear before the Board and demonstrate that she has appropriate knowledge and training to serve as a pharmacist in charge. The Board retains the sole discretion to determine whether the restriction should be lifted.

30. Respondent shall notify all current and future employers of this Order.

31. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC chapter 36.

2/4/19
Date

Julie Kane
JULIE KANE
Respondent

RECEIVED
This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 12th day of March, 2019.

ADMINISTRATIVE LAW
IOWA BOARD OF PHARMACY

Susan Huns
Chairperson
Iowa Board of Pharmacy